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c 64 The Juries Amendment Act, 1980

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CHAPTER 64

An Act to amend The Juries Act, 1974

Assented to December 12th, 1980

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 2 of *The Juries Act, 1974*, being chapter 63, is amended by striking out "and had not attained the age of sixty-nine years or more" in the third and fourth lines. s. 2 (c),
amended
- 2.—(1) Paragraph 3 of subsection 1 of section 3 of the said Act is amended by adding at the end thereof "and every justice of the peace". s. 3 (1),
par. 3,
amended
 - (2) Paragraphs 8 and 9 of subsection 1 of the said section 3 are repealed. s. 3 (1),
pars. 8, 9,
repealed
- 3.—(1) Clauses *a* and *b* of section 4 of the said Act are repealed and the following substituted therefor: s. 4 (a),
re-enacted;
s. 4 (b),
repealed
 - (a) has a physical or mental disability that would seriously impair his ability to discharge the duties of a juror.
 - (2) The said section 4 is amended by adding thereto the following subsection: s. 4,
amended
 - (2) Every person is ineligible to serve as a juror, who, Ineligibility
for blindness
or age
 - (a) in the year preceding the year for which the jury is selected had attained the age of sixty-nine years or more; or
 - (b) is blind,

and has indicated on his return to the jury service notice that he does not wish to serve as a juror.
4. Clause *b* of subsection 2 of section 6 of the said Act is amended by striking out "and are not of and will not attain the age of sixty-nine years or more" in the third and fourth lines. s. 6 (2) (b),
amended

s. 21(37)
re-enacted

5. Subsection 2 of section 21 of the said Act is repealed and the following substituted therefor:

Excusing
of jurors

(2) The sheriff may excuse any person summoned for a jury sittings on the ground,

(a) of illness; or

(b) that serving as a juror may cause serious hardships or loss to him or others,

but unless the local judge of the High Court directs otherwise and notwithstanding any other provision of this Act, such person shall be included in a panel to be returned for a sittings later in the year or, where there are not further sittings in that year, in a panel to be returned for a sittings in the year next following.

s. 25,
re-enacted

6. Section 25 of the said Act is repealed and the following substituted therefor:

Excusing of
juror for
religious
reasons

25.—(1) A person summoned for jury duty may be excused by a judge from service as a juror on the ground that service as a juror is incompatible with the beliefs or practices of a religion or religious order to which he belongs.

Excusing of
jurors for
illness or
hardship

(2) A person summoned for jury duty may be excused by a judge from attending the sittings on the ground,

(a) of illness; or

(b) that serving as a juror may cause serious hardships or loss to him or others,

and the judge may excuse the person from all service as a juror, or the judge may direct that the service of a person excused be postponed and that notwithstanding any provision of this Act, he be included in a panel to be returned for a sittings later in that year or in a panel to be returned for a sittings in the year next following.

Application
for
excusing

(3) A person summoned for jury service may be excused under subsection 1 or 2,

(a) before the day for attendance by the local judge of the High Court;

(b) on or after the day for attendance, by the judge presiding at the sittings,

and the application to be excused may be made to the sheriff.

7. The said Act is amended by adding thereto the following section: s. 44a,
enacted

44a.—(1) Every employer shall grant to an employee who is summoned for jury service a leave of absence, with or without pay, sufficient for the purpose of the discharge of the employee's duties, and, upon the employee's return, the employer shall reinstate the employee to his position, or provide him with alternative work of a comparable nature at not less than his wages at the time his leave of absence began and without loss of seniority or benefits accrued to the commencement of his leave of absence. Leave of
absence
from
employment

(2) An employer who fails to comply with subsection 1 is liable to the employee for any loss occasioned by the breach of his obligation. Liability
of
employer
for
breach

(3) Every employer who, directly or indirectly, Penalty
for
reprisals

(a) threatens to cause or causes an employee loss of position, or employment; or

(b) threatens to impose or imposes on an employee any pecuniary or other penalty,

because of his response to a summons, or his service as a juror, is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than three months, or to both.

8. This Act comes into force on the day it receives Royal Assent. Commence-
ment

9. The short title of this Act is *The Juries Amendment Act, 1980*. Short title

